

Burns.	Presler.
Colquitt.	Rogers.
Gough.	Ross.
Greer.	Stafford.
Harrison.	Stone.
Lewis.	Terrell.
Linn, Victoria.	Wayland.
Linn, Wharton.	Woods.
Morriss.	Yett
Neal.	

Nays—none.

Absent.

Darwin.	Tillett.
Goss.	Turney.
Kerr.	Yantis.

Excused.

Boren.	Dibrell.
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On motion of Senator Colquitt, Journal Clerk O'Quinn was excused from attendance on the Senate on next Monday and Tuesday.

On motion of Senator Morriss.

Senator Kerr was excused for to-day, on account of important business.

On motion of Senator Linn of Wharton,

Senator Presler was excused for non-attendance on yesterday, on account of important business.

On motion of Senator Stafford,

Postmaster Napier was excused indefinitely, on account of sickness in his family.

(Lieutenant Governor Jester in the chair.)

The Chair gave notice of signing, and did sign in the presence of the Senate, after its caption had been read,

House bill No. 3, a bill to be entitled "An act making an appropriation for the per diem pay of members, officers and employes of the first called session of the Twenty-fifth Legislature, convened May 22, 1897, by proclamation of the Governor."

On motion of Senator Ross, the Senate adjourned until 10 o'clock on Monday morning.

EIGHTH DAY.

Senate Chamber,
Austin, Tex., Monday, May 31.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called.

Quorum present, the following Sen-

Atlee.	Morriss.
Bowser.	Neal.
Burns.	Presler.
Colquitt.	Rogers.
Darwin.	Ross.
Dibrell.	Stafford.
Greer.	Terrell.
Harrison.	Tillett.
Kerr.	Wayland.
Lewis.	Woods.
Linn, Victoria.	

Absent.

Bailey.	Stone.
Beall.	Turney.
Goss.	Yantis.
Gough.	Yett.
Linn, Wharton.	

Excused.

Boren.

Prayer by the Chaplain, Rev. F. S. Jackson, as follows:

Almighty God: We thank Thee for all the great gifts to our humanity. We bless Thee especially for the infinite sweep of thought, that as soon as one height has been scaled, with greater contemplation and keener perception, thought goes on to loftier and grander realizations. We bless Thee for all the agencies that contribute to the development of mind. We thank Thee for our schools, colleges and universities; for our churches, asylums and printing presses. Make these more useful and powerful. We pray for the country school teacher, college professor and university regent; for our ministers, superintendents of asylums and editors of our periodicals. Give them such glorious conceptions of duty and public service as shall lift them from the drudgery of mere money-making to the delightful realization that they are builders of a mighty civilization. Do Thou be present in this Senate Chamber to-day as Thy rightful sanctuary. May Thy benedictions be felt and gratefully acknowledged. Prepare us for our duties, forgive our sins, make us better men, lead us to-day, we ask in the name and for the sake of Christ. Amen.

Pending reading of the Journal of yesterday,

On motion of Senator Harrison, the same was dispensed with.

On motion of Senator Presler, Senator Linn of Wharton was excused from attendance on the Senate for this week, on account of impor-

COMMITTEE REPORTS.

MAJORITY REPORT.

Committee Room,

Austin, Texas, May 31, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Finance, to whom was referred

Senate bill No. 4, a bill to be entitled "An act to fix and limit the fees and compensation of the clerks of the district court, district attorneys, county attorneys, sheriffs and constables in felony cases to be paid by the State, and to fix the compensation of assessors and collectors of taxes, and to limit and to regulate the compensation of the sheriff, clerk of the county court, county judge, district and county attorney, clerk of the district court, assessor and collector of taxes, and to prescribe penalties for the violation of this act, and to repeal all laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WAYLAND, Acting Chairman.

MINORITY REPORT.

Committee Room,

Austin, Texas, May 31, 1897.

Hon. Geo. T. Jester, President of the Senate:

As one of your Committee on Finance, to whom was referred

Senate bill No. 4, a bill to be entitled "An act to fix and limit the fees and compensation of the clerks of the district court, district attorneys, county attorneys, sheriffs and constables in felony cases to be paid by the State, and to fix the compensation of assessors and collectors of taxes, and to limit and to regulate the compensation of the sheriff, clerk of the county court, county judge, district and county attorney, clerk of the district court, assessor and collector of taxes, and to prescribe penalties for the violation of this act, and to repeal all laws in conflict herewith,"

I beg to submit the following as a minority report upon said bill:

Be it enacted by the Legislature of the State of Texas:

Section 1. That hereafter, in all the counties in this State the clerks of the district courts, district attorneys, county attorneys, sheriffs and constables shall receive from the State the following fees and compensation in felony cases, and no more:

Sec. 2. The clerks of the district court shall receive for each felony case tried in such court by jury, whether the defendant be convicted or acquitted, the sum of \$8. For each transcript on appeal or change of venue, 8 cents for each 100 words. For each felony case finally disposed of without trial, or dismissed or nolle prosequi entered, \$8. For recording each account of sheriff, the sum of 50 cents. For entering judgment in habeas corpus cases, 80 cents, and for taking down testimony and preparing transcript in habeas corpus cases, 8 cents for each 100 words, but the fees in habeas corpus cases shall in no event exceed \$8 in any one case.

Sec. 3. The district or county attorneys shall receive the following fees:

1. For all convictions in cases of felonious homicide, when the defendant does not appeal or dies or escapes after appeal and before final judgment of the Court of Criminal Appeals, or when upon appeal the judgment is affirmed, the sum of \$40.

2. For all convictions of felony when the defendant does not appeal, or dies or escapes after appealing, and before final judgment of the Court of Criminal Appeals, or when upon appeal the judgment is affirmed, the sum of \$24; provided, that in all convictions of felony, where the verdict and judgment of the defendant is confinement in the House of Correction and Reformatory, the fees of the district or county attorney shall be \$12.

3. For representing the State in each case of habeas corpus where the defendant is charged with felony, the sum of \$16.

Sec. 4. The sheriffs or constables shall receive the following fees:

1. For executing each warrant of arrest or capias, or for making arrest without warrant, when authorized by law, the sum of 80 cents, and 4 cents for each mile actually and necessarily traveled in going to the place of arrest, and for conveying the prisoner or prisoners to jail, mileage as provided for in subdivision 5 shall be allowed.

2. For summoning or attaching each witness, 40 cents.

3. For summoning jury in each case where jury is actually sworn in, \$1.60.

4. For executing death warrants, \$40.

5. For removing a prisoner, for each mile going and coming, including guards and all other necessary expenses when traveling by railroad, 8 cents; when traveling otherwise than by railroad, 12 cents; provided, that when more than one prisoner is re-

moved at the same time, in addition to the foregoing shall only be allowed 8 cents per mile for each additional prisoner; provided further, that when an officer goes beyond the limits of the State after a fugitive on requisition of the Governor, he shall receive such compensation as the Governor shall allow for such services.

6. For each mile the officer may be compelled to travel in executing criminal process, summoning or attaching witnesses, 4 cents; provided, that in no case shall he be allowed to duplicate his mileage when two or more witnesses are named in the same or different writs in any case, and he shall serve process on them in the same neighborhood or vicinity during the same trip. He shall not charge mileage for serving such witness to and from the county seat, but shall only charge one mileage, and for such additional only as are actually and necessarily traveled in summoning and attaching each additional witness. When process is sent by mail to any officer away from the county seat, or returned by mail by such officer, he shall only be allowed to charge mileage for the miles actually traveled by him in executing such process, and the return of the officer shall show the character of the service and miles actually traveled in accordance with this subdivision, and his accounts shall show the facts.

7. To officers for service of criminal process not otherwise provided for, the sum of 4 cents a mile going and returning shall be allowed; provided, if two or more persons are mentioned in the same or different writs the rule prescribed in subdivision 6 shall apply.

8. For conveying a witness attached by him to any court, or in any habeas corpus proceeding out of his county, or when directed by the judge from any other county to the court where the case is pending, \$1 per day for each day actually and necessarily consumed in going and returning from such courts, and his actual necessary expenses by the nearest practicable route, or nearest practicable public conveyance, the amount to be stated by him in an account, which shall show the place where the witness was attached, the distance to the nearest railroad station, and miles actually traveled to each court. If horses or vehicles are used, from whom hired and price paid, and length of time consumed and amount paid out for feeding horses and to whom. If meals

and lodging were provided, from whom, and when, and price paid; provided, that officers shall not be entitled to receive exceeding 50 cents per meal and 35 cents per night for lodging for any witness. Said account shall also show, before said officer shall be entitled to compensation for expenses of attached witnesses, that before starting with said witness to the foreign court, he carried each of them before the magistrate nearest the place of serving the attachment, giving his name and residence, and that said witness made oath in writing before said magistrate, certified copies of which shall be attached to the account, that they were unable to give bond for their appearance at court, or refused to give bond after having been advised by said officer of their right to do so. And the officer shall also present to the court the affidavit of the witness to the same effect, or shall show that the witness refused to make the affidavit; and should it appear to the court that the witness was able and willing to give bond, the sheriff shall not be entitled to any compensation for conveying such witness, and said account shall be sworn to by the officer before any officer authorized to administer oaths, and shall state that said account is true, just and correct in every particular, and present the same to the judge, who shall, during such term of court, carefully examine such account and if found to be correct, in whole or in part, shall so certify and allow the same for such amount as he may find to be correct; and if by him allowed, in whole or in part, he shall so certify; and such account, with the affidavit of the sheriff and certificate of the judge, shall be recorded by the clerk of the district court in a book to be kept by him for that purpose, which shall constitute part of the proceedings or minutes of the court; and the clerk shall certify to the original account, and shall show that the same has been recorded; and said account shall then become due and the same shall constitute a voucher, on which the Comptroller is authorized to issue a warrant, and such minutes of the court, or a certified copy thereof, may be used in evidence against the officer making the affidavit, for perjury, in case said affidavit shall be willfully false. When the officer receiving the writ for the attachment of such witness, shall take a bond for the appearance of such witness, he shall be entitled to receive from the State \$1 for each bond so taken; but he shall be responsible to

the court issuing said writ that said bond is in proper form and has been executed by the witness with one or more good or solvent sureties, and said bond shall in no case be less than \$100; provided, the Comptroller may require from such officer a certified copy of all such process before auditing any account; provided, that when no inquest or examining trial has been held, at which sufficient evidence was taken upon which to find an indictment, which fact shall be certified by the grand jury, or when the grand jury shall state to the district judge that an indictment can not be procured, except upon the testimony of non-resident witnesses, the district judge may have attachments issued to other counties for witnesses, not to exceed the number for which the sheriff may receive pay, as provided for below, to testify before grand juries; provided, however, that the judge shall not approve the account of any sheriff for more than one witness to any one fact, nor more than any three witnesses to any case pending before the grand jury, in which case the sheriff shall receive the same compensation as he does for conveying attached witnesses before the court.

9. For attending a prisoner on habeas corpus, for each day, \$1.60, together with mileage, as provided in subdivision 5, when removing such prisoner out of the county, under an order issued by a district or appellate judge.

Sec. 5. All fees accruing under this act shall be due and payable at the close of each term of the district court after approval, except as provided for in subdivisions 8 and 9 of the preceding section, which shall be paid when approved by the judge under whose order the writ was issued; provided, that in all cases when the defendant shall be finally convicted of a misdemeanor, the sheriff or constable shall be required to pay back to the State Treasurer a sum of money equal to the amount he may have received from the State in such cases, and the said sheriff or constable and their bondsmen shall be responsible to the State for such sums.

Sec. 6. In cases where the defendant is indicted for a felony, and is convicted of an offense less than a felony, no cost shall be paid by the State to any officer.

Sec. 7. That in those counties where there shall have been cast at the next preceding presidential election less

than 3000 votes the clerk of the district courts, district attorneys, county attorneys, sheriffs and constables shall receive from the State the fees and compensation in felony cases allowed under now existing laws, and are not intended to be affected by the provisions of sections 1, 2, 3, 4, 5 and 6 of this act.

Sec. 8. Each assessor of taxes shall receive the following compensation for his services, which shall be estimated upon the total values of the properly assessed, as follows: For assessing the State and county on all sums of \$2,000,000 or less, 5 cents for each \$100 of property assessed; and on all sums over \$2,000,000, 2 cents on each \$100. One-half of the above fees shall be paid by the State and one-half by the county, and for assessing the poll tax, 5 cents for each poll, which shall be paid by the State. The commissioners' court may allow to the assessor of taxes such sums of money, to be paid monthly from the county treasury, as may be necessary to pay for clerical work, taking assessments and making out the tax rolls of the county, such sums so allowed to be deducted from the amount allowed to the assessor as compensation upon the completion of said tax rolls; provided, the amount allowed the assessor by the commissioners' court shall not exceed the compensation that may be due by the county to him for assessing.

Sec. 9. There shall be paid for the collection of taxes, as compensation for the services of the collector, beginning with the 1st day of September of each year, 5 per cent on the first \$10,000 collected for the State, and 4 per cent on the next \$10,000 collected for the State, and $1\frac{1}{4}$ per cent on all collected over that sum; for collecting the county taxes, 5 per cent on the first \$5000 of such taxes collected, and 4 per cent on the next \$5000 collected, and $1\frac{1}{4}$ per cent on all such taxes collected over that sum, and in counties owing subsidies to railroads, the collectors shall receive only 1 per cent for collecting such railroad tax; and in cases where property is levied upon and sold for taxes, he shall receive the same compensation as allowed by law to sheriffs or constables upon making a levy and sale in similar cases, but in no case to include commissions on such sales, and on all occupation and license taxes collected, 4 per cent.

Sec. 10. That hereafter the maximum amount of fees that may be re-

retained by any officer mentioned in this section as compensation for services shall be as follows, viz.: Sheriff, an amount not exceeding \$2000 per annum; county judge, an amount not exceeding \$2000 per annum; clerk of the county court, an amount not exceeding \$2000 per annum; county attorney, an amount not exceeding \$2000 per annum; district attorney, an amount not exceeding \$2500 per annum; clerk of the district court, an amount not exceeding \$2000 per annum; collector of taxes, an amount not exceeding \$2000 per annum; assessor of taxes, an amount not exceeding \$2000. That hereafter up to 1902 in counties in which there were cast at the last presidential election as many as 5000 votes, and thereafter any counties shown by the national census of 1900 to contain as many as 25,000 inhabitants the following amounts shall be allowed, viz.: Sheriff, an amount not exceeding \$2250 per annum; county judge, an amount not exceeding \$2250 per annum; clerk of the county court, an amount not exceeding \$2250 per annum; county attorney, an amount not exceeding \$2250 per annum; district attorney, an amount not exceeding \$2500 per annum; clerk of the district court, an amount not exceeding \$2250 per annum; collector of taxes, an amount not exceeding \$2250 per annum; assessor of taxes, an amount not exceeding \$2250 per annum; provided further, that in counties containing a city of over 25,000 inhabitants, or in which there were cast at the last presidential election as many as 7500 votes or by the census of 1900 shall contain as many as 37,500 inhabitants the following amount of fees shall be allowed, viz.: Sheriff, an amount not exceeding \$2500 per annum; county judge, an amount not exceeding \$2500 per annum; clerk of the county court, an amount not exceeding \$2500 per annum; county attorney, an amount not exceeding \$2500 per annum; district attorney, an amount not exceeding \$2500 per annum; clerk of the district court, an amount not exceeding \$2500 per annum; collector of taxes, an amount not exceeding \$2500 per annum; assessor of taxes, an amount not exceeding \$2500 per annum; provided, that the county attorney in those counties having no district attorney where he performs the duties of district attorney, may receive the same compensation as provided for the district attorney. The last United States census shall govern

Sec. 11. The amounts allowed to each officer mentioned in section 10 of this act may be retained out of the fees collected by him under existing laws; but in no case shall the State or the county be responsible for the payment of any sum when the fees collected by any officer are less than the maximum compensation allowed by this act, or be responsible for the pay of any deputy or assistant. Each officer mentioned in the preceding section shall, at the close of each fiscal year, make to the district court of the county in which he resides a sworn statement showing the amount of fees collected by him during the fiscal year, and the amount of fees charged and not collected, and by whom due, and the number of deputies and assistants employed by him during the year, and the amounts paid or to be paid each; and all fees collected by officers named in section 10 of this act during the fiscal year, in excess of the maximum amount allowed and of the one-fourth of the excess of the maximum amount allowed for their services, and for the services of their deputies or assistants hereinafter provided for, shall be paid to the county treasurer of the county where the excess accrued; provided, that any officer in section 10 of this act who does not collect the maximum amount of his fees for any fiscal year and who reports delinquent fees for that year, shall be entitled to retain when collected, such part of such delinquent fees as is sufficient to complete the maximum compensation for the year in which delinquent fees were charged, and also to retain the one-fourth of the excess belonging to him, and the remainder of the delinquent fees for that fiscal year shall be paid as hereinbefore provided for when collected.

Sec. 12. Whenever any officer named in section 10 of this act shall require the service of deputies or assistants in the performance of his duties, he shall apply to the county commissioners' court of his county for authority to appoint same, and the county commissioners' court shall issue an order authorizing the appointment of such a number of deputies or assistants as in their opinion may be necessary for the efficient performance of the duties of said officer. The officer applying for appointment of a deputy or assistant, or deputies or assistants, shall make affidavit that they are necessary for the efficiency of the public service; and

require, in addition, a statement showing the need of such deputies or assistants, and in no case shall the county judge or commissioners' court attempt to influence the appointment of any person as deputy or assistant in any office. The maximum amount allowed for deputies or assistants for their services shall be as follows, to-wit:

First assistant or chief deputy, a sum not to exceed a rate of \$1200 per annum, others not to exceed a rate of \$900 per annum.

The commissioners' court, in issuing his order granting authority to appoint deputies or assistants, shall state in such order the number of deputies or assistants authorized and the amount to be paid each, and the amount of compensation allowed shall be paid out of the fees of office to which said deputies or assistants may be appointed, and shall not be included in estimating the maximum salaries of officers named in section 10 of this act.

Sec. 13. All fees due and not collected as shown in the report required by section 11 of this act shall be collected by the officer to whose office the fees accrued and out of such part of delinquent fees as may be due the county, the officer making such collection shall be entitled to 10 per cent of the amount collected by him, and the remainder shall be paid into the county treasury, as provided in section 11 of this act. It shall not be legal for any officer to remit any fee that may be due under the law fixing fees.

Sec. 14. Any officer named in section 10 of this act who shall fail to charge up the fees or costs that may be due under existing laws, or who shall remit any fee that may be due under the laws, or who shall fail to make the report required in section 11 of this act, or who shall pay his deputy or assistant a less sum than the assistants as a rebate, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than \$25 nor more than \$500. Each act forbidden in this section shall constitute a separate offense.

Sec. 15. It is not intended by this act that the commissioners' court shall be debarred from allowing compensation for ex officio services to county officials not to be included in estimating the maximum provided for in this act, when in their judgment such compensation is necessary; provided, such compensation for ex officio services shall not exceed the amounts now al-

lowed under the law for ex officio services.

Sec. 16. It shall be the duty of those officials named in section 10 of this act to keep a correct statement of the sums coming into their hands as fees and commissions, in a book to be provided by them for that purpose, in which the officer at the time when any fees or moneys shall come into his hands shall enter the same, and it shall be the duty of the grand jury (and the district judge shall so charge the grand jury) to examine these accounts at the session of the district court next preceding the first day of December of each year, and make a report on same to the district court at the conclusion of the session of the grand jury.

Sec. 17. The tax collector and tax assessor, at the time of their settlement of accounts with the Comptroller, shall file with him a copy of the sworn statement required under section 11 of this act.

Sec. 18. A fiscal year within the meaning of this act shall begin on December 1 of each year, and each officer named in section 10 of this act shall file the reports and make the settlement required in this act on December 1 of each year. Whenever such officer serves for a fractional part of a fiscal year, he shall nevertheless file his report and make a settlement for such part of a year as he serves and shall be entitled to such proportional part of the maximum allowed as the time of his services bears to the entire year. However, an incoming officer elected at the general election, who qualifies prior to December 1 next following shall not be required to file any report or make any settlement before December 1 of the following year, but his report and settlement shall embrace the entire period dating from his qualification. This act shall take effect and be in force from and after December 1, 1897.

Sec. 19. The sheriff shall not be required to include in his reports and statements required by sections 11 and 16 of this act the following items, to-wit: All actual expenses, including the per diem allowed him received from the State in conveying attached witnesses out of the county of his residence. 2d. Mileage and sums allowed by law and paid by the State as expenses for removing and conveying prisoners to and from any point beyond the county of the sheriff's residence under all legal warrants issued in felony cases.

3d. All sums received as rewards in making arrests of fugitives from justice. 4th. All sums received from the county for the safe keeping, support and maintenance of prisoners confined in jail. Nor shall said items be regarded as fees of office within the meaning of this act, to be included in making up the sheriff's maximum.

Sec. 20. Any district clerk who shall issue any attachment or subpoena for any witness except upon an order of court or upon the written application, signed and sworn to by the defendant or State's counsel, stating that such witness is believed to be a material witness, shall be deemed guilty of a misdemeanor, and upon conviction fined in any sum not less than \$25 and not more than \$500.

Sec. 21. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 22. The fact that the session of the Legislature is fast growing to a close, and the importance of this bill, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this bill be put on its third reading and final passage, and it is so enacted.

BOWSER.

BILLS AND RESOLUTIONS.

By Senator Tillett:

Senate bill No. 11, a bill to be entitled "An act defining an additional method of issuing and serving citations in district, county and justice courts, and defining their contents, and providing an additional method of making and serving certain certified copies and notices in legal proceedings."

Read first time, and referred to Judiciary Committee No. 1.

Call concluded.

The Chair laid before the Senate the following message from the Governor:

Executive Office,

Austin, Texas, May 31, 1897.

To the Senate and House of Representatives:

During the past week the town of El Paso and immediate vicinity, in this State, was partially overflowed by a sudden and unprecedented flood. The homes of hundreds of people were destroyed and great destitution in consequence prevails. On Saturday last, too late for investigation and action, the

follows: "Five hundred homes destroyed by flood. Three thousand, mainly of our poorest, homeless. Citizens not damaged overwhelmed by demands on their charity. Many will suffer hunger and perhaps death if not relieved at once. Will you call our situation to the attention of the Legislature and have the State assist its suffering citizens?" On yesterday, the following telegram in answer to one sent by me was received from Senator Turney at El Paso, who represents that senatorial district: Ours is a condition demanding State aid. I will be with you Tuesday and help arrange for proper distribution." From these telegrams, and information derived from the public press, it appears that the destruction of property by this flood is a public calamity, within the meaning of section 51, article 3, of the Constitution. It is, therefore, respectfully recommended that an appropriation be made, which shall be immediately available, for the relief of citizens of this State who have suffered by such overflow, to be distributed under the direction of such officials as may be named in the act of appropriation. The members of the House of Representatives from El Paso and contiguous counties are of the opinion, in view of private and congressional aid, that \$5000 will be sufficient for the purpose.

C. A. CULBERSON.

On motion of Senator Greer, the regular order of business was suspended to take up on second reading,

Senate bill No. 4, a bill to be entitled "An act to fix and limit the fees and compensation of the clerks of the district court, district attorneys, county attorneys, sheriffs and constables in felony cases to be paid by the State, and to fix the compensation of assessors and collectors of taxes, and to limit and to regulate the compensation of the sheriff, clerk of the county court, county judge, district and county attorney, clerk of the district court, assessor and collector of taxes, and to prescribe penalties for the violation of this act, and to repeal all laws in conflict herewith."

Bill read second time, with favorable majority and adverse minority committee reports.

Senator Greer moved the adoption of the majority report.

Pending action,

By consent, Senator Tillett introduced

Senate bill No. 12, a bill to be enti-

of the citizens of El Paso city and El Paso county, who are sufferers from an unprecedented overflow and flood of water along the course of the Rio Grande, causing great destruction to life and property, and appropriating the sum of \$5000 therefor."

Read first time, and referred to the Committee on Finance.

(Senator Linn of Victoria in the chair.)

Resuming consideration of Senate bill No. 4 (see above),

Senator Lewis made the point of order that inasmuch as the committee reports were made to-day, under the rules they would have to lie on the table one day before they could be acted on by the Senate.

Sustained.

By consent, Senator Wayland offered the following committee report:

Committee Room,

Austin, Texas, May 31, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Finance, to whom was referred

Senate bill No. 12, a bill to be entitled "An act for the immediate relief of the citizens of El Paso city and El Paso county, who are sufferers from an unprecedented overflow and flood of water along the course of the Rio Grande, causing great destruction to life and property, and appropriating the sum of \$5000 therefor."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that the bill be not printed.

WAYLAND, Acting Chairman.

On motion of Senator Tillett, the regular order of business was suspended to take up Senate bill No. 12 (making an appropriation for the relief of the flood sufferers of El Paso county).

On motion of Senator Tillett, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its second reading by the following vote:

Yeas—21.

Atlee.	Kerr.
Bowser.	Lewis.
Burns.	Linn, Victoria.
Colquitt.	Morriss.
Darwin.	Neal.
Dibrell.	Presler.
Greer.	Rogers.
Harrison.	Ross.

Stafford.
Terrell.
Tillett.

Wayland.
Woods.

Nays—none.

Absent.

Bailey.
Beall.
Goss.
Gough.

Stone.
Turney.
Yantis.
Yett.

Excused.

Boren.

Linn, Wharton.

Bill read second time.

By Senator Colquitt:

Amend by striking out the words "life and" wherever they occur in the bill.

Adopted.

Bill as amended ordered engrossed.

On motion of Senator Tillett, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—21.

Atlee.
Bowser.
Burns.
Colquitt.
Darwin.
Dibrell.
Greer.
Harrison.
Kerr.
Lewis.
Linn, Victoria.

Morriss.
Neal.
Presler.
Rogers.
Ross.
Stafford.
Terrell.
Tillett.
Wayland.
Woods.

Nays—none.

Absent.

Bailey.
Beall.
Goss.
Gough.

Stone.
Turney.
Yantis.
Yett.

Excused.

Boren.

Linn, Wharton.

Bill read third time, and passed by the following vote:

Yeas—21.

Atlee.
Bowser.
Burns.
Colquitt.
Darwin.
Dibrell.
Greer.
Harrison.
Kerr.
Lewis.
Linn, Victoria.

Neal.
Morriss.
Presler.
Rogers.
Ross.
Stafford.
Terrell.
Tillett.
Wayland.
Woods.

Nays—none.

	Absent.
Bailey.	Stone.
Beall.	Turney.
Goss.	Yantis.
Gough.	Yett.

Excused.

Boren.	Linn, Wharton.
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Senator Tillett moved to reconsider the vote by which the bill passed, and to lay that motion on the table.

Tabled.

Senator Colquitt moved that the Senate take a recess of 30 minutes.

Carried.

AFTER RECESS.

Senate called to order by Senator Linn of Victoria.

Senator Dibrell offered the following privileged report:

Committee Room,
Austin, Texas, May 31, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 12, a bill to be entitled "An act for the immediate relief of the citizens of El Paso city and El Paso county, who are sufferers from an unprecedented overflow and flood of water along the course of the Rio Grande, causing great destruction to life and property, and appropriating the sum of \$5000 therefor."

And find the same correctly engrossed.

DIBRELL, Acting Chairman.

On motion of Senator Tillett, the Senate adjourned to 10 a. m. to-morrow.

NINTH DAY.

Senate Chamber,
Austin, Tex., Tuesday, June 1.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Atlee.	Harrison.
Bowser.	Kerr.
Burns.	Lewis.
Colquitt.	Linn, Victoria.
Darwin.	Morriss.
Dibrell.	Neal.

Rogers.	Turney.
Ross.	Wayland.
Stafford.	Woods.
Stone.	Yantis.
Terrell.	Yett.
Tillett.	

Absent.

Bailey.	Goss.
Beall.	Gough.

Excused.

Boren.	Linn, Wharton.
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Prayer by the Rev. Nathan B. Thompson of Lockhart circuit, as follows:

We thank Thee, our Heavenly Father, for an ever and open conference with Thee. We are glad Thine ear is always open to hear our prayer, and every one of us owns a good place in Thy great, loving heart. We thank Thee for making us in Thy image, with all the capabilities for growth in goodness, privileges of pleasure, and pursuance of those things that make us healthy, happy and helpful in this great, fragrant and fruitful world. We thank Thee for the special and immediate blessings which surround us this morning. We are glad to be citizens of Texas, the giant State of a great nation. Bless our representatives here assembled to-day. We are glad they are wise men, but O Lord, help them feel the need of, and may they get, that higher wisdom from above. Guide them in making us good laws. Bless our common country, from the smallest child in its far-away play-house to the Governor in his chair, our President in his exalted position, with all his helpers around him, and all our officers, even to the most obscure. For, O Lord, if Thou shalt bless us we shall be a great country indeed. Now, Father, in our private characters, as well as in our public lives, bless us, so when our bodies shall have perished we may be members of that higher, holier home above, for Christ's sake. Amen.

Pending reading of the Journal of yesterday,

On motion of Senator Atlee, the same was dispensed with.

On motion of Senator Woods, Senator Yantis was excused for previous absences from the Senate.

On motion of Senator Bowser, Senator Yett was excused for non-attendance upon the Senate on yes-